

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-11 and 14-35 are pending. Claims 1, 6, 16, 22 and 31-35 are independent and are hereby amended. No new matter is added by these amendments. Support for the amended recitations in the claims is found throughout the specification.

Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-11 and 14-30 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,002,394 to Schein et al. Applicant respectfully traverses this rejection.

The claims have been amended to clarify the invention. Claim 1 is representative and recites, *inter alia*:

“ . . . processing a plurality of commercial information . . .

... .

wherein, when a cursor is moved onto a program column of the program guide screen, each of said commercial information is automatically transmitted from a remote network server of the commercial information sponsor and displayed successively, shifted

temporally from one another, in accordance with the remote network server address information comprising said commercial information.” (emphasis added)

Applicant submits that Schein does not teach or suggest the above-identified features of claim 1. Specifically, Applicant submits that there is no teaching or suggestion that, when the cursor is moved onto a program column the “commercial information is automatically transmitted from a respective remote network server of the commercial information sponsor and displayed successively on the display, shifted temporally from one another . . .” as recited in claim 1. That is, a plurality of commercial data are automatically transmitted in response to the location of the cursor and each of the commercial data are successively displayed shifted in time from one another. For example, a number of commercials are played one after the other.

Thus in the present application, the plurality of commercial information is successively displayed. That is, the commercials are displayed one after another displaced temporally from one another. This distinguishes from Schein wherein commercial data is displayed in a list or at the same time.

Thus, a plurality of commercial data can be displayed successively for a single program. Similarly, a plurality of commercial data for a single program can be displayed successively with being shifted temporally in the commercial data display area the displayed program guide. Pars. [0137], [0138] and FIG. 7A-7C.

The Applicant emphasizes that the appropriate definition of “successively” as found in the specification at par. [0138] has a temporal component. That is, a plurality of commercial information is successively displayed one after another in time in the commercial information display area.

“The inventor’s words that are used to describe the invention—the inventor’s lexicography—must be understood and interpreted by the court as they would be understood and interpreted by a person in that field of technology. Thus the court starts the decision making process by reviewing the same resources as would that person, viz., the patent specification and the prosecution history.”

Phillips v. AWH Corp., 363 F.3d 1207 (Fed. Cir. 2004) (emphasis added). *See also Medrad, Inc. v. MRI Devices Corp.*, 401 F.3d 1313, 1319 (Fed. Cir. 2005) (“We cannot look at the ordinary meaning of the term . . . in a vacuum. Rather, we must look at the ordinary meaning in the context of the written description and the prosecution history.”). “As we stated in *Vitronics*, the specification is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.” *Phillips* at 1315 (quoting *Vitronics Corp. v. Conceptronics, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996))

The interpretation of “consecutively” as used in the specification is, “Following in uninterrupted order; consecutive: *on three successive days*.” *The American Heritage Dictionary of the English Language: Fourth Edition* (2000). Thus, “successively,” as used in the specification includes a temporal component; “the plurality of commercial information for a single program can be successively displayed with being shifted temporally.” Par. [0138]. That is, successively displayed one after another in time. Pars. [0137], [0138].

Applicant respectfully submits claim 1 is patentable over the Schein reference.

Applicant believes independent claims 1, 6, 16, 22 and 32-35 are allowable for substantially the same reason.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Because each dependent claim is

also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 1-11 and 14- 35 are believed patentable. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference, providing the basis for a contrary view.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

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Respectfully submitted,

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